

Building Board of Appeals Hearing
February 26, 2013
1:30 p.m., City Council Chamber
Barbara Donegan vs. DNEP (130 Severn Avenue)

Meeting called to order by Chairman Mark Hall at 1:40 p.m.

In attendance: Maria Brown-Board Liaison; Chair-Carl Corse; BBOA Members-Mark Hall, Jay Schwarz, Shannon Waldron, and Matt Evans; Assistant City Attorney Gary Elson; Appellant-Barbara Donegan; City DNEP Staff members – Frank Biba, Chief of Environmental Programs, and Jan VanZutphen, Environmentalist. *Please note: The owner of 130 Severn Avenue was mistakenly not notified of the hearing and did not attend, however, Ms. Brown did talk to them after the hearing and a copy of these minutes will be forwarded to their developer.*

Old Business: Copies of the 2012 BBOA Annual Report were given out to all board members.

All those who were to testify were sworn in by Chair Carl Corse.

Ms. Donegan presented Exhibit #2 which outlined the reason for her appeal. She stated that she, and other residents in the area, were concerned about the impact that the recent removal of the trees at the referenced site (130 Severn Avenue) to construct a commercial project would have on the surrounding neighborhood. She stated that the residences on the south side of Severn Avenue directly across the street depended on those trees for aesthetic effect and the homes depended on them for shade. In addition. The bright lighting coming from neighboring boat storage yards is now invasive. She feels that the general ambiance and total visual arbor effect have been devastated by the removal of the trees.

Jan VanZutphen gave out copies of City Exhibit 1, which included a landscape plan, the City Code section relevant to the project (17.09), and a plan of the trees that existed prior to the beginning of the project. Jan testified that 8 trees at 130 Severn Avenue that were shown on the plans were to remain, but were removed during the initial stages of the project. Municipal Infraction citations were issued for the trees that were removed and Jan is requiring the developer to submit revised plans that show either additional replanting on the site and/or they will be required to pay an additional fee-in-lieu of planting. The Board requested that the City clarify whether or not the developer would be allowed to just pay the fine, and not replace the removed trees. Mr. VanZutphen said that replanting on-site is the more desirable option; if that cannot be accomplished, then planting off-site can be done. The fee-in-lieu option is the last option that will be considered.

A motion was made by Chair Carl Corse and seconded to close the hearing to public discussion. After the board deliberated, it was agreed that this matter would remain open until the developer is given an opportunity to present the information required by the City. The City will attempt to have this taken care of by the Board's March 2013 meeting. At that time, Ms. Donergan will be given an opportunity to also review the developer's revisions, and if appropriate, a decision will be made by the Board at that time.

The meeting adjourned at 2:46 pm.